

**COMMITTEE ON STANDARDS
OF OFFICIAL CONDUCT**



GENERAL ETHICS TRAINING

110th CONGRESS

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ONE HUNDRED TENTH CONGRESS

U.S. House of Representatives

COMMITTEE ON STANDARDS OF
OFFICIAL CONDUCT

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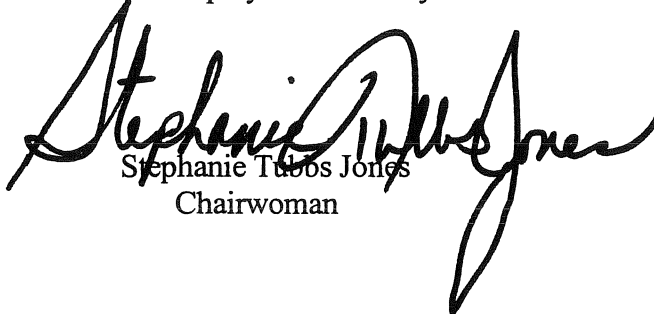
On behalf of the House Committee on Standards of Official Conduct, we would like to welcome you to this training session on the ethics laws, rules, and standards of conduct applicable to all House Members and employees.

House Resolution 6, passed on the opening day of the 110th Congress in January, amended House rules to require that all House staff receive annual training on the ethics rules, presented by this Committee. The briefing today will satisfy one hour of that requirement.

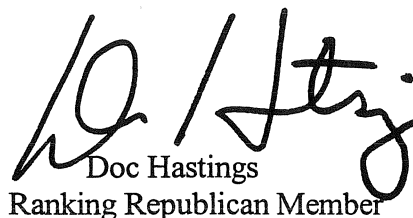
As long-time members of the Standards Committee, we are strong believers in the value of a thorough grounding in the ethics rules for each House Member and employee. Knowledge of the ethics rules helps to ensure that the behavior of Members and staff continues to reflect creditably on the House of Representatives as an institution.

We anticipate that today's briefing will answer your most basic questions about the ethics rules. Should you have any further questions, remember that Committee staff are here as a resource for you about the rules and how they apply to any future conduct you may wish to take. Please do not hesitate to contact Committee staff at 5-7103 if you need guidance on any ethical matter.

We hope you find today's session informative.



Stephanie Tubbs Jones
Chairwoman



Doc Hastings
Ranking Republican Member

**General Training for Members,
Officers & Employees
on
Ethics Laws, Rules, and
Standards of Conduct**



*Presentation by the Staff of the Committee on
Standards of Official Conduct
U.S. House of Representatives
110th Congress*

About the Standards Committee

- 10-Member, bi-partisan committee
 - 5 Democrats – Stephanie Tubbs Jones, Chairwoman
 - 5 Republicans – Doc Hastings, Ranking Republican Member
- Gives advice to House Members, officers, and employees on ethics laws, rules, and standards of conduct
 - Code of Official Conduct (House Rule 23)
 - Gift and travel rules (House Rule 25)

House Code of Official Conduct

(House Rule 23)

A Member, officer, or employee . . .

- **Clause 1:** "shall conduct himself at all times in a manner that shall reflect creditably on the House"
- **Clause 2:** "shall adhere to the spirit and letter of the Rules of the House"
- **Clause 3:** "may not receive compensation and may not permit compensation to accrue to his beneficial interest from any source, the receipt of which would occur by virtue of influence improperly exerted from his position in Congress"
- **Clause 4:** "may not accept gifts except as provided by clause 5 of rule 25" . . .

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... more about the Committee

- Issues written guidance ("pink sheets") on the provisions within its jurisdiction
- Issues confidential advisory opinions to individuals
- Investigates possible violations by Members, officers, and employees of any law, rule, or standard of conduct relating to their official conduct
- Adjudicates such violations and may recommend sanctions to the House

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Call or Write Before Acting:

Committee on Standards of Official Conduct
Suite HT-2, The Capitol
Washington, DC 20515
(202) 225-7103 (office)
(202) 225-7392 (fax)
www.house.gov/ethics

All communications are confidential

*Law states that no one is placed at risk by seeking
Committee advice about future conduct*

*Good faith reliance on written Committee opinions
protects you from sanctions under House rules*

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Topics

- Gifts
- Travel
- Campaign Activity
- Casework
- Hosting events
- Involvement with Outside Entities
- Outside Activities and Employment

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The House gift rule

The basics

- "Public office is a public trust"
- The public has a right to expect that Members and employees will exercise impartial judgment in performing official duties
- The receipt of certain gifts or favors may interfere with impartial judgment
- Thus, *no* gifts except as provided in "gift rule" (House Rule 25, cl. 5)

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Permissible gifts

- The term "gift" is **broadly** defined to include –
 - a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, service, transportation, lodging, meal, or other item with a monetary value
- Other than cash or cash equivalent, a gift worth **less than \$50** may be accepted –
 - **except** from a **lobbyist** or **agent of a foreign principal** or private entity that retains or employs such a person

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... other permissible gifts

- A gift falling within one of the gift rule **exceptions** or **general waivers** issued by the Standards Committee, such as
 - gifts of nominal value
 - gifts on the basis of "personal friendship"
 - items provided by federal, state, or local government
 - commemorative items
 - certain foreign government gifts, *etc.*

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Do not accept a "thank you" gift

- You **may not** accept a gift that is offered in connection with an official action taken or asked to be taken (18 U.S.C. §§ 201, 203)
- **Never** solicit a gift or another item of value (5 U.S.C. § 7353)
- Impermissible gifts generally must be **refused or returned**

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Attendance at events

- The offer of "free attendance" at a certain types of events may be accepted under the rule
- Some common scenarios include:
 - receptions
 - "widely attended" events
 - charity events
 - campaign or political events

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Privately sponsored travel

New rules went into effect on March 1, 2007

- There are significant restrictions on accepting travel expenses from private entities that **retain or employ** lobbyists or foreign agents
- **Each** traveler must obtain prior, written approval from the Standards Committee
- Travel forms are available on our website

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... more about travel

- Special rules and disclosure requirements for travel funded by **foreign** governments:
 - MECEA (Mutual Educational and Cultural Exchange Act), or
 - FGDA (Foreign Gifts and Decorations Act)
- Contact the Standards Committee for guidance

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Campaign activity

- Same general rules apply to all Members and staff
 - Rules apply in election **and** non-election years
- No "political designees" in House offices
- The **basic rule** is that **no** campaign-related activity may take place in congressional offices or rooms or using House resources

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... more about the campaign rules

Common sense exceptions to the prohibition on use of official resources

- scheduling
- handling press calls
- referrals
- providing official materials to the campaign

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Campaign work by House staff

- Staff campaign work –
 - requires supervisor permission
 - must be done on one's "own time"
 - must be done voluntarily
 - no contributions or "outlays" to one's employing Member

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Constituent casework

The basics

- The Constitution guarantees the right of all citizens to petition the government for redress of grievances
- A Member's function is to serve as a "go-between" for their constituents and government agencies
- Members have **broad** discretion in deciding whether and how to assist constituent

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... more about casework

- General rules include –
 - **no** special treatment or "access" based on one's status as a supporter, contributor, or friend
 - avoid **ex parte** communications
 - exercise caution when intervening with **non**-governmental parties
 - communications between Members and constituents are considered **confidential**
- Requests for recommendations and endorsements raise special considerations

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Official or privately-sponsored events

- First, decide who the organizing "sponsor" of the event will be
- **Subsidy** issues arising under House Rule 24 (the "unofficial office account" rule)
 - **no** in-kind support, except from federal, state, or local governmental entities
- **Before** organizing an official event, consult advisory memoranda or "pink sheets" of July 26, 2006 and September 28, 2001

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Involvement with nonprofits

- General prohibition **against** most solicitations
- For charitable solicitations, guidelines restrict –
 - the use of official resources
 - official endorsements
 - personal benefit
 - solicitations of lobbyists or foreign agents
- Some common issues –
 - donations of a flag flown over the Capitol
 - tours
 - lunch with the Member

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Outside activity considerations

- House rules and standards of conduct **prohibit** the use of one's official position for personal gain:
 - No compensation resulting from improper exercise of influence (*House Rule 23, cl. 3*)
 - Never discriminate by dispensing special favors or privileges, whether for remuneration or not (§ 5, *Code of Ethics for Government Service*)
 - Never accept favors or benefits under circumstances that might be construed as influencing the performance of official duties (*Id.*)

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... more on outside activities

- Avoid outside activities that may **conflict** with your official duties
- Outside activities **should be approved** by your supervising Member
- Contact the Committee for specific guidance when considering –
 - outside employment that may relate to a matter in which **U.S. is a party or has an interest**
 - running for elective office
- The honoraria ban

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Additional considerations for Members and "senior staff"

- Outside earned income and employment limitations
- Financial disclosure
- Post-employment restrictions for Members and "very senior staff"

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Highlights of the House Ethics Rules



This publication has been prepared as a convenience for Members, officers, and employees of the House of Representatives

For more information, and for advice on specific factual situations, contact the Committee on Standards of Official Conduct's Office of Advice and Education at **(202) 225-7103**

Detailed information is also available on the Committee's website at **www.house.gov/ethics**

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Gifts

APPLIES TO ALL MEMBERS, OFFICERS, AND EMPLOYEES

The House Gift Rule prohibits acceptance of anything having monetary value unless permitted by one of the exceptions stated in the rule. Gifts allowed by the exceptions include –

- Any gift valued at less than \$50, as long as the donor is not a registered lobbyist, foreign agent, or entity that retains or employs them
- Subject to annual limit of less than \$100 in gifts from any private source in a calendar year
- Any item of nominal value (*i.e.*, less than \$10). Baseball caps and t-shirts are allowed
- Gifts from relatives (including in-laws)
- Gifts from other Members or employees (except from subordinates, unless a special occasion)
- Anything paid for by federal, state, or local government (includes federal agencies, cities, counties, towns, and public universities)
- Gifts based on personal friendship offered for a non-business purpose (but a gift over \$250 requires prior written permission from the Standards Committee)
- Informational materials (books, videotapes, DVDs) sent to House office. Includes periodicals if sent by publisher
- “Home state products” of nominal value for distribution by House office
- Commemorative items, such as a plaque, if presented at event and inscribed

MEMBERS AND STAFF MAY NEVER SOLICIT A GIFT, OR ACCEPT A GIFT THAT IS LINKED TO ANY ACTION THEY HAVE TAKEN OR ARE BEING ASKED TO TAKE.

Attendance at Events

APPLIES TO ALL MEMBERS, OFFICERS, AND EMPLOYEES

Several provisions of the gift rule permit House Members and staff to accept free attendance at certain types of events.

- Receptions offering only “food or refreshments of nominal value” that are not “part of a meal” (e.g., light appetizers and drinks or soda and cookies)
 - Source of invitation and number of people in attendance is immaterial

In addition, where the free attendance comes from the sponsor of the event (not an entity that merely donated money or bought a table), free attendance is permitted at –

- “Widely attended” events. Must (1) have at least 25 non-Hill attendees, (2) be open to public or to a wide range of individuals, ***and*** (3) be connected to one’s official House duties
 - May also accept free attendance for one accompanying individual
 - May accept a meal that is offered to all attendees as part of the event
 - May accept local transportation to event, if offered by event sponsor
 - May not accept a gift bag or souvenir unless otherwise permitted by gift rule
 - Sponsoring entity may employ lobbyists
- Charity events (*i.e.*, an event whose primary purpose is to raise money for a § 501(c)(3) nonprofit) if offered by the sponsor
 - May also accept free attendance for spouse *or* dependent child (but no other individual)
 - May accept local transportation to event, if offered by event sponsor
- Campaign or fundraising events sponsored by a § 527 organization (e.g., a party organization or a PAC)
 - Travel and lodging also may be accepted in some circumstances

Privately Sponsored Travel – New Rules

- Each participant in officially-connected travel paid for by a private source must get approval in advance, in writing, from the Standards Committee
 - Traveler must provide to Standards Committee an approval request form together with a certification form completed by the trip sponsor. Staff also need advance authorization from employing Member.
- All U.S. colleges and universities and any entity that does not employ or retain a federally-registered lobbyist or foreign agent may sponsor trips up to 4 days (domestic) or 7 days (international)
- Private entities that employ or retain a lobbyist or foreign agent may sponsor only one-day, one-night trips, provided lobbyist involvement in requesting or planning trip is *de minimis*
 - In limited circumstances, Standards Committee may authorize a second night
- Trip sponsor must have direct relationship to event or location being visited, and purpose of trip must be related to Member or employee's official duties
- May accept reasonable, necessary trip expenses (transportation, food, and lodging)
 - Transportation must be coach or business class, unless special circumstances shown
 - Food and lodging must be reasonable or selected without regard to congressional participation
 - Entertainment, recreational activity, and gifts may be accepted only as gift rule allows
- Except for university-sponsored trips, lobbyists may not travel with House attendees
- Must file post-trip disclosure form with Clerk of the House within **15 days** after return, attaching all pre-trip approval paperwork
- These rules do not apply to travel funded by:
 - U.S. government (e.g., committee travel or CODELs)
 - State or local government (e.g., trips paid for by a state university or a city)
 - Foreign government (e.g., MECEA trips)
 - Political campaigns (but the travel must be reported as a campaign expense, e.g., to FEC)

Campaign Activities

- Staff may do campaign work on own time (whether as volunteer or paid campaign employee), but no employee can be compelled to do campaign work
- No campaign activities allowed in any congressional office or room (including district offices)
- No use of congressional office resources (including equipment, supplies, or files) for any campaign purpose
- Criminal statute prohibits solicitation and acceptance of political contributions from or in any House building
 - Unsolicited contributions mistakenly sent to the House office may be forwarded to campaign within 7 days. May not use the Frank
 - Do not accept any contribution that is linked to any official action, past or prospective
- Campaign funds are to be used for bona fide campaign or political purposes
 - With limited exceptions, campaign funds and resources may not be used for official purposes
 - See Committee's advisory memorandum of July 26, 2006 for acceptable uses of campaign funds by Member office
 - Personal use or borrowing of campaign funds is prohibited
- No staff contributions to employing Member's campaign
 - No staff outlays for employing Member's campaign (other than for campaign-related travel taking place on employee's own time), even if the employee is promptly reimbursed

Constituent Casework

- Members have broad discretion in helping constituents before *federal* government agencies:
 - May make a status inquiry; urge prompt and fair consideration; ask for full and fair consideration consistent with applicable law and regulations; arrange appointments – or, when warranted by the merits of the case, express judgment or ask for reconsideration of a decision
- No preferential treatment for the Member’s supporters, contributors, or friends in casework matters – treat all constituents fairly, and on the merits of their claims
- Avoid “ex parte” communications in cases before agencies or courts – *i.e.*, off-the-record communications to the decision-maker that are made without prior notice to all parties
- Members and employees may not contact an agency on a matter in which they have a personal financial interest
- May not directly or indirectly threaten reprisal against any agency official, or promise favoritism or benefit
- Job recommendations to federal agencies for regular civil service positions may include only statements that are based on personal knowledge of the applicant, or address the applicant’s character (*e.g.*, honesty, integrity) or residence (*e.g.*, lives in district or state). See Committee’s October 1998 advisory memorandum
 - Generally, recommendations to private entities may be made on official letterhead only when Member has worked with applicant in an official capacity

Official or Privately-Sponsored Events

- Member may not jointly sponsor a town hall, briefing, meeting, or other event with any private group or entity.
- Member may not accept cash or in-kind support from any individual or private organization for an official event
- May use campaign funds (funds from a Member's principal campaign committee only) to pay certain expenses for an official House event. Permissible expenses include food and beverages, printed material distributed at the event, room rental, and travel expenses for guest speakers
 - May not use campaign funds to advertise an official House event
- Member may use official funds and the Frank to publicize an official House event
- Members may be listed as an "honorary co-host" or guest speaker at a private group's event, provided the invitation clearly identifies the sponsor of the event
 - Outside groups may not use Member's official letterhead or the House seal
 - May not use official resources (including the Frank, official press release, or House website) to advertise an event being sponsored by a private entity
 - May issue a "Dear Colleague" about a private group's event only after the event sponsor has issued its invitation, and only if the event is taking place in a House or Senate room

Involvement with Outside Entities

- Members and staff generally may be employed by or volunteer for an outside entity (including charities and for-profit companies), provided there is no conflict with official House duties
 - In work for an outside entity, Members and staff may not –
 - Use official House resources (including office space, equipment, e-mail, official mailing lists, official letterhead, or the House seal)
 - Perform work for an outside entity in House office space (including district offices)
 - Staff must also –
 - Obtain approval of employing Member
 - Perform work on employee’s own time
- For paid employment by an outside entity, Members and “senior staff” (those paid above \$111,675 by the House) must comply with the outside employment restrictions (*see* p. 12)
- Members and staff may solicit contributions for a § 501(c)(3) charity or other entities qualified under § 170(c) of the Tax Code, provided that no official resources are used, no official endorsement is implied, no direct personal benefit results to the individual, and registered lobbyists are not targeted.
 - Prior, written approval from the Committee is required for all other solicitations
 - Members may be identified by any of their personal titles (Representative, Congressman, Congresswoman, or Member of Congress). House staff may not list their House affiliation in solicitations on behalf of an outside entity
 - Solicitations featuring a Member’s name may be subject to FEC restrictions

The Honoraria Ban

- An honorarium is a payment for any speech, appearance, or article
- Members, officers, and senior House employees (*i.e.*, those paid above **\$111,675** for 2007) are prohibited from receiving any honoraria
- In lieu of an honorarium, the sponsor of an event or the publisher may donate up to **\$2,000** per event to a charity qualified under § 170(c) of the Tax Code, provided that –
 - (1) The event sponsor or publisher makes the donation directly to the charity; and
 - (2) Neither the Member or employee, nor a relative of a Member or employee, receives any financial or tax benefit from the donation
- Charitable donations in lieu of honoraria must be reported on the annual Financial Disclosure Statement of those required to file them
- Employees paid below the “senior staff” rate (*i.e.*, **below \$111,675**) may accept an honorarium, ***unless*** any one of three conditions is true:
 - (1) The subject matter is directly related to his or her official duties
 - (2) The payment is made because of the individual’s status with the House, ***or***
 - (3) The payor has interests before the House that the employee may affect

Interns, Fellows, and Volunteers

- Member or House offices may accept temporary services of an unpaid **intern** if the intern is participating in a program that is primarily of educational benefit to the individual
 - “Educational benefit” test satisfied if the individual is receiving academic credit
 - Member office may establish its own internship program. Consult with Committee for further information
 - Members may not raise funds for programs that place interns in their office
- Member or House offices may accept temporary services of a **fellow** in a mid-career education program while the individual receives compensation from his or her employer
- Member or House offices may accept the temporary services of a **volunteer** not part of an outside program, provided the Member or office has a clearly defined program to assure that the voluntary service –
 - Is of significant educational benefit to the volunteer, and
 - Does not supplant the normal and regular duties of paid employees
- Member office may not use official resources to solicit or recruit volunteers
- Interns, fellows, and volunteers should not be assigned duties that will result in any direct or indirect benefit to the sponsoring organization, other than broadening the individual’s knowledge

Conflicts of Interest

- Official position and confidential information may not be used for personal gain
- A Member must abstain from voting on a matter on the House floor only if the Member has a direct, distinct personal or pecuniary interest in the matter
 - Ownership of stock in a publicly-traded company generally will not present a conflict of interest requiring recusal from voting
 - Additional caution is required in deciding whether to sponsor legislation affecting personal financial interests, in view of the greater degree of advocacy involved in sponsorship
- Members must certify in writing to committee of jurisdiction that they and their spouse have no financial interest in any earmark or limited tax or tariff benefit requested by the Member
 - Members may not condition inclusion of an earmark on any vote cast by another Member
- Under criminal law, Members may not contract with a federal agency except in limited circumstances (relating primarily to participation in certain federal farm support programs)
 - Prohibition includes leasing or selling real property to a federal government entity
- Spouses and other family members have substantial discretion in employment and investments. However –
 - Members and staff should not do any special favors for family members
 - Members may not hire family members in their congressional offices
 - If Member or employee’s spouse or immediate family member engages in lobbying or similar activity, contact Committee for guidance
- Criminal law generally prohibits federal employees, outside their official duties, from representing anyone before the federal government or in court on any matter in which the government is a party or has a direct and substantial interest – even on an unpaid basis

Outside Earned Income & Employment Limitations

APPLY ONLY TO MEMBERS, OFFICERS, AND “SENIOR STAFF”

“SENIOR STAFF” in 2007 is anyone paid at an annual rate of \$111,675 or more for over 90 days

OUTSIDE EARNED INCOME LIMIT FOR CALENDAR YEAR 2007 – \$25,200

NO paid professional services involving a fiduciary relationship, including law, real estate or insurance sales, financial services, or consulting or advising (*see* 5 U.S.C. app. 4 § 502(a))

NO affiliation for compensation with any firm that provides such professional services

NO use of name by any firm that provides such professional services

NO paid service as officer or board member of any organization

- Unpaid board service is permitted

NO paid teaching without advance written approval of the Standards Committee

NO advances on copyright royalties in book contracts; royalties may be accepted only if contract is with an established publisher on customary terms and is approved by Standards Committee

Financial Disclosure

MEMBERS, OFFICERS, SENIOR EMPLOYEES, AND PRINCIPAL ASSISTANTS

- Annual reports due by May 15th of each year, covering the prior calendar year.
 - New senior employees must file within 30 days of beginning House employment
 - Termination reports required within 30 days of departure from House payroll
- Standards Committee may grant an extension of due date if a written, signed request is received before original due date
- Must disclose income (earned and unearned), assets, liabilities, transactions in securities and real property, certain gifts, travel expenses, outside positions, and agreements
- Financial information regarding spouse and dependent children must also be disclosed
- \$200 late filing fee; possibility of additional Committee action for late, incorrect, or incomplete filing; civil action may be initiated by the Department of Justice
- Standards Committee reviews all reports, and upon request will pre-screen draft reports
- Staff paid at the “senior rate” (at or above \$111,675) for 60 days or more in a year must file
 - A Member who does not have an employee paid at that rate must designate a “principal assistant” who files

***Contact the Committee or the Legislative Resource Center
for forms and detailed instructions on how to complete them***

Post-Employment Restrictions

APPLY ONLY TO MEMBERS, OFFICERS AND “VERY SENIOR STAFF”

“VERY SENIOR STAFF” is any employee of a Member, committee, or leadership office who was, in the one year prior to leaving House employment, paid at an annual rate of \$123,900 or more for at least 60 days

FOR ONE YEAR AFTER LEAVING OFFICE:

- A MEMBER OR OFFICER may not communicate with or appear before a Member, officer, or employee of either House of Congress or any Legislative Branch office with intent to influence official action on behalf of anyone else
- VERY SENIOR STAFF may not communicate with or appear before the individual’s former employer or office with intent to influence official action on behalf of anyone else
 - Staff from a Member’s personal office are barred from lobbying only that Member
 - Staff of a committee are barred from lobbying any Members who are currently on that committee or served on it during the employee’s last 12 months of House employment
 - Leadership staff are barred from lobbying House leadership of both parties
- A MEMBER, OFFICER, OR VERY SENIOR STAFF MEMBER:
 - May not represent or advise a foreign government or a foreign political party
 - May represent oneself, a state or local government, or the U.S. government as an official or employee of a government agency or entity
 - May not lobby the staff of a Member in lieu of lobbying the Member directly

Violation of these prohibitions is a felony under 18 U.S.C. § 207. Penalties include fine and/or imprisonment. The Committee website contains advisory memoranda for both Members and staff with more detailed information on these restrictions.

RULE XXIII

CODE OF OFFICIAL CONDUCT

There is hereby established by and for the House the following code of conduct, to be known as the "Code of Official Conduct":

1. A Member, Delegate, Resident Commissioner, officer, or employee of the House shall conduct himself at all times in a manner that shall reflect creditably on the House.

2. A Member, Delegate, Resident Commissioner, officer, or employee of the House shall adhere to the spirit and the letter of the Rules of the House and to the rules of duly constituted committees thereof.

3. A Member, Delegate, Resident Commissioner, officer, or employee of the House may not receive compensation and may not permit compensation to accrue to his beneficial interest from any source, the receipt of which would occur by virtue of influence improperly exerted from his position in Congress.

4. A Member, Delegate, Resident Commissioner, officer, or employee of the House may not accept gifts except as provided by clause 5 of rule XXV.

5. A Member, Delegate, Resident Commissioner, officer, or employee of the House may not accept an honorarium for a speech, a writing for publication, or other similar activity, except as otherwise provided under rule XXV.

6. A Member, Delegate, or Resident Commissioner—

(a) shall keep his campaign funds separate from his personal funds;

(b) may not convert campaign funds to personal use in excess of an amount representing reimbursement for legitimate and verifiable campaign expenditures; and

(c) except as provided in clause 1(b) of rule XXIV, may not expend funds from his campaign account

that are not attributable to bona fide campaign or political purposes.

7. A Member, Delegate, or Resident Commissioner shall treat as campaign contributions all proceeds from testimonial dinners or other fund-raising events.

8. (a) A Member, Delegate, Resident Commissioner, or officer of the House may not retain an employee who does not perform duties for the offices of the employing authority commensurate with the compensation he receives.

(b) In the case of a committee employee who works under the direct supervision of a member of the committee other than a chairman, the chairman may require that such member affirm in writing that the employee has complied with clause 8(a) (subject to clause 9 of rule X) as evidence of compliance by the chairman with this clause and with clause 9 of rule X.

(c)(1) Except as specified in subparagraph (2)—

(A) a Member, Delegate, or Resident Commissioner may not retain his spouse in a paid position; and

(B) an employee of the House may not accept compensation for work for a committee on which his spouse serves as a member.

(2) Subparagraph (1) shall not apply in the case of a spouse whose pertinent employment predates the One Hundred Seventh Congress.

9. A Member, Delegate, Resident Commissioner, officer, or employee of the House may not discharge and may not refuse to hire an individual, or otherwise discriminate against an individual with respect to compensation, terms, conditions, or privileges of employment, because of the race, color, religion, sex (including marital or parental status), disability, age, or national origin of such individual, but may take into consideration the domicile or political affiliation of such individual.

10. A Member, Delegate, or Resident Commissioner who has been convicted by a court of record for the commission of a crime for which a sentence of two or more years' imprisonment may be imposed should refrain from participation in the business of each committee of which he is a member, and a Member should refrain from voting on any question at a meeting of the House or of the Committee of the Whole House on the state of the Union, unless or until judicial or executive proceedings result in reinstatement of the presumption of his innocence or until he is re-elected to the House after the date of such conviction.

11. A Member, Delegate, or Resident Commissioner may not authorize or otherwise allow an individual, group, or organization not under the direction and control of the House to use the words "Congress of the United States," "House of Representatives," or "Official Business," or

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any combination of words thereof, on any letterhead or envelope.

12. (a) Except as provided in paragraph (b), an employee of the House who is required to file a report under rule XXVI may not participate personally and substantially as an employee of the House in a contact with an agency of the executive or judicial branches of Government with respect to nonlegislative matters affecting any nongovernmental person in which the employee has a significant financial interest.

(b) Paragraph (a) does not apply if an employee first advises his employing authority of a significant financial interest described in paragraph (a) and obtains from his employing authority a written waiver stating that the participation of the employee in the activity described in paragraph (a) is necessary. A copy of each such waiver shall be filed with the Committee on Standards of Official Conduct.

13. Before a Member, Delegate, Resident Commissioner, officer, or employee of the House may have access to classified information, the following oath (or affirmation) shall be executed:

"I do solemnly swear (or affirm) that I will not disclose any classified information received in the course of my service with the House of Representatives, except as authorized by the House of Representatives or in accordance with its Rules."

Copies of the executed oath (or affirmation) shall be retained by the Clerk as part of the records of the House. The Clerk shall make signatures a matter of public record, causing the names of each Member, Delegate, or Resident Commissioner who has signed the oath during a week (if any) to be published in a portion of the Congressional Record designated for that purpose on the last legislative day of the week and making cumulative lists of such names available each day for public inspection in an appropriate office of the House.

14. A Member, Delegate, or Resident Commissioner may not, with the intent to influence on the basis of partisan political affiliation an employment decision or employment practice of any private entity—

(a) take or withhold, or offer or threaten to take or withhold, an official act; or

(b) influence, or offer or threaten to influence, the official act of another.

15. (a) A Member, Delegate, or Resident Commissioner may not use personal funds, official funds, or campaign funds for a flight on a non-governmental airplane that is not licensed by the Federal Aviation Administration to operate for compensation or hire.

(b) In this clause, the term "campaign funds" includes funds of any political committee under the Fed-

eral Election Campaign Act of 1971, without regard to whether the committee is an authorized committee of the Member, Delegate, or Resident Commissioner involved under such Act.

16. A Member, Delegate, or Resident Commissioner may not condition the inclusion of language to provide funding for a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (including an accompanying joint explanatory statement of managers) on any vote cast by another Member, Delegate, or Resident Commissioner. For purposes of this clause and clause 17, the terms "congressional earmark," "limited tax benefit," and "limited tariff benefit" shall have the meanings given them in clause 9 of rule XXI.

17. (a) A Member, Delegate, or Resident Commissioner who requests a congressional earmark, a limited tax benefit, or a limited tariff benefit in any bill or joint resolution (or an accompanying report) or in any conference report on a bill or joint resolution (or an accompanying joint statement of managers) shall provide a written statement to the chairman and ranking minority member of the committee of jurisdiction, including—

(1) the name of the Member, Delegate, or Resident Commissioner;

(2) in the case of a congressional earmark, the name and address of the intended recipient or, if there is no specifically intended recipient, the intended location of the activity;

(3) in the case of a limited tax or tariff benefit, identification of the individual or entities reasonably anticipated to benefit, to the extent known to the Member, Delegate, or Resident Commissioner;

(4) the purpose of such congressional earmark or limited tax or tariff benefit; and

(5) a certification that the Member, Delegate, or Resident Commissioner or spouse has no financial interest in such congressional earmark or limited tax or tariff benefit.

(b) Each committee shall maintain the information transmitted under paragraph (a), and the written disclosures for any congressional earmarks, limited tax benefits, or limited tariff benefits included in any measure reported by the committee or conference report filed by the chairman of the committee or any subcommittee thereof shall be open for public inspection.

18. (a) In this Code of Official Conduct, the term "officer or employee of the House" means an individual whose compensation is disbursed by the Chief Administrative Officer.

(b) An individual whose services are compensated by the House pursuant to a consultant contract shall be considered an employee of the House for purposes of clauses 1, 2, 3, 4, 8, 9, and 13 of this rule. An individual whose services are compensated by the House pursuant to a consultant contract may not lobby the contracting committee or the members or staff of the contracting committee on any matter. Such an individual may lobby other Members, Delegates, or the Resident Commissioner or staff of the House on matters outside the jurisdiction of the contracting committee.

RULE XXIV

LIMITATIONS ON USE OF OFFICIAL FUNDS

Limitations on use of official and unofficial accounts

1. (a) Except as provided in paragraph (b), a Member, Delegate, or Resident Commissioner may not maintain, or have maintained for his use, an unofficial office account. Funds may not be paid into an unofficial office account.

(b)(1) Except as provided in subparagraph (2), a Member, Delegate, or Resident Commissioner may defray official expenses with funds of his principal campaign committee under the Federal Election Campaign Act of 1971 (2 U.S.C. 431 et seq.).

(2) The funds specified in subparagraph (1) may not be used to defray official expenses for mail or other communications, compensation for services, office space, furniture, or equipment, and any associated information technology services (excluding handheld communications devices).

2. Notwithstanding any other provision of this rule, if an amount from the Official Expenses Allowance of a Member, Delegate, or Resident Commissioner is paid into the House Recording Studio revolving fund for telecommunications satellite services, the Member, Delegate, or Resident Commissioner may accept reimbursement from nonpolitical entities in that amount for transmission to the Clerk for credit to the Official Expenses Allowance.

3. In this rule the term "unofficial office account" means an account or repository in which funds are received for the purpose of defraying otherwise unreimbursed expenses allowable under section 162(a) of the Internal Revenue Code of 1986 as ordinary and necessary in the operation of a congressional office, and includes a newsletter fund referred to in section 527(g) of the Internal Revenue Code of 1986.

Limitations on use of the frank

4. A Member, Delegate, or Resident Commissioner shall mail franked mail under section 3210(d) of title 39, United States Code at the most economical rate of postage practicable.

5. Before making a mass mailing, a Member, Delegate, or Resident Commissioner shall submit a sample or description of the mail matter involved

to the House Commission on Congressional Mailing Standards for an advisory opinion as to whether the proposed mailing is in compliance with applicable provisions of law, rule, or regulation.

6. A mass mailing that is otherwise frankable by a Member, Delegate, or Resident Commissioner under the provisions of section 3210(e) of title 39, United States Code, is not frankable unless the cost of preparing and printing it is defrayed exclusively from funds made available in an appropriation Act.

7. A Member, Delegate, or Resident Commissioner may not send a mass mailing outside the congressional district from which he was elected.

8. In the case of a Member, Delegate, or Resident Commissioner, a mass mailing is not frankable under section 3210 of title 39, United States Code, when it is postmarked less than 90 days before the date of a primary or general election (whether regular, special, or runoff) in which he is a candidate for public office. If the mail matter is of a type that is not customarily postmarked, the date on which it would have been postmarked, if it were of a type customarily postmarked, applies.

9. In this rule the term "mass mailing" means, with respect to a session of Congress, a mailing of newsletters or other pieces of mail with substantially identical content (whether such pieces of mail are deposited singly or in bulk, or at the same time or different times), totaling more than 500 pieces of mail in that session, except that such term does not include a mailing—

(a) of matter in direct response to a communication from a person to whom the matter is mailed;

(b) from a Member, Delegate, or Resident Commissioner to other Members, Delegates, the Resident Commissioner, or Senators, or to Federal, State, or local government officials; or

(c) of a news release to the communications media.

Prohibition on use of funds by Members not elected to succeeding Congress

10. Funds from the applicable accounts described in clause 1(j)(1) of rule X, including funds from committee expense resolutions, and funds in any local currencies owned by the United States may not be made available for travel by a Member, Delegate, Resident Commissioner, or Senator after the date of a general election in which he was not elected to the succeeding Congress or, in the case of a Member, Delegate, or Resident Commissioner who is not a candidate in a general election, after the earlier of the date of such general election or the adjournment sine die of the last regular session of the Congress.

RULE XXV

LIMITATIONS ON OUTSIDE EARNED INCOME AND ACCEPTANCE OF GIFTS

Outside earned income; honoraria

1. (a) Except as provided by paragraph (b), a Member, Delegate, Resident Commissioner, officer, or employee of the House may not—

(1) have outside earned income attributable to a calendar year that exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code, as of January 1 of that calendar year; or

(2) receive any honorarium, except that an officer or employee of the House who is paid at a rate less than 120 percent of the minimum rate of basic pay for GS-15 of the General Schedule may receive an honorarium unless the subject matter is directly related to the official duties of the individual, the payment is made because of the status of the individual with the House, or the person offering the honorarium has interests that may be substantially affected by the performance or nonperformance of the official duties of the individual.

(b) In the case of an individual who becomes a Member, Delegate, Resident Commissioner, officer, or employee of the House, such individual may not have outside earned income attributable to the portion of a calendar year that occurs after such individual becomes a Member, Delegate, Resident Commissioner, officer, or employee that exceeds 15 percent of the annual rate of basic pay for level II of the Executive Schedule under section 5313 of title 5, United States Code, as of January 1 of that calendar year multiplied by a fraction, the numerator of which is the number of days the individual is a Member, Delegate, Resident Commissioner, officer, or employee during that calendar year and the denominator of which is 365.

(c) A payment in lieu of an honorarium that is made to a charitable organization on behalf of a Member, Delegate, Resident Commissioner, officer, or employee of the House may not be received by that Member, Delegate, Resident Commissioner, officer, or employee. Such a payment may not exceed \$2,000 or be made to a charitable organization from which the Member, Delegate, Resident Commissioner, officer, or employee or a parent, sibling, spouse, child, or dependent relative of the Member, Delegate, Resident Commissioner, officer, or employee, derives a financial benefit.

2. A Member, Delegate, Resident Commissioner, officer, or employee of the House may not—

(a) receive compensation for affiliating with or being employed by a firm, partnership, association, corporation, or other entity that provides professional services involving a fiduciary relationship except for the practice of medicine;

(b) permit his name to be used by such a firm, partnership, association, corporation, or other entity;

(c) receive compensation for practicing a profession that involves a fiduciary relationship except for the practice of medicine;

(d) serve for compensation as an officer or member of the board of an association, corporation, or other entity; or

(e) receive compensation for teaching, without the prior notification and approval of the Committee on Standards of Official Conduct.

Copyright royalties

3. (a) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not receive an advance payment on copyright royalties. This paragraph does not prohibit a literary agent, researcher, or other individual (other than an individual employed by the House or a relative of a Member, Delegate, Resident Commissioner, officer, or employee) working on behalf of a Member, Delegate, Resident Commissioner, officer, or employee with respect to a publication from receiving an advance payment of a copyright royalty directly from a publisher and solely for the benefit of that literary agent, researcher, or other individual.

(b) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not receive copyright royalties under a contract entered into on or after January 1, 1996, unless that contract is first approved by the Committee on Standards of Official Conduct as complying with the requirement of clause 4(d)(1)(E) (that royalties are received from an established publisher under usual and customary contractual terms).

Definitions

4. (a)(1) In this rule, except as provided in subparagraph (2), the term "officer or employee of the House" means an individual (other than a Member, Delegate, or Resident Commissioner) whose pay is disbursed by the Chief Administrative Officer, who is paid at a rate equal to or greater than 120 percent of the minimum rate of basic pay for GS-15 of the General Schedule, and who is so employed for more than 90 days in a calendar year.

(2)(A) When used with respect to an honorarium, the term "officer or employee of the House" means an individual (other than a Member, Delegate, or Resident Commissioner) whose salary is disbursed by the Chief Administrative Officer.

(B) When used in clause 5 of this rule the terms "officer" and "employee" have the same meanings as in rule XXIII.

(b) In this rule the term "honorarium" means a payment of money or a thing of value for an appearance speech, or article (including a series of appearances, speeches, or articles) by a Member, Delegate, Resident Commissioner, officer, or employee of the House, excluding any actual and nec

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essary travel expenses incurred by that Member, Delegate, Resident Commissioner, officer, or employee (and one relative) to the extent that such expenses are paid or reimbursed by any other person. The amount otherwise determined shall be reduced by the amount of any such expenses to the extent that such expenses are not so paid or reimbursed.

(c) In this rule the term "travel expenses" means, with respect to a Member, Delegate, Resident Commissioner, officer, or employee of the House, or a relative of such Member, Delegate, Resident Commissioner, officer, or employee, the cost of transportation, and the cost of lodging and meals while away from his residence or principal place of employment.

(d)(1) In this rule the term "outside earned income" means, with respect to a Member, Delegate, Resident Commissioner, officer, or employee of the House, wages, salaries, fees, and other amounts received or to be received as compensation for personal services actually rendered, but does not include —

(A) the salary of a Member, Delegate, Resident Commissioner, officer, or employee;

(B) any compensation derived by a Member, Delegate, Resident Commissioner, officer, or employee of the House for personal services actually rendered before the adoption of this rule or before he became a Member, Delegate, Resident Commissioner, officer, or employee;

(C) any amount paid by, or on behalf of, a Member, Delegate, Resident Commissioner, officer, or employee of the House to a tax-qualified pension, profit-sharing, or stock bonus plan and received by him from such a plan;

(D) in the case of a Member, Delegate, Resident Commissioner, officer, or employee of the House engaged in a trade or business in which he or his family holds a controlling interest and in which both personal services and capital are income-producing factors, any amount received by the Member, Delegate, Resident Commissioner, officer, or employee, so long as the personal services actually rendered by him in the trade or business do not generate a significant amount of income; or

(E) copyright royalties received from established publishers under usual and customary contractual terms; and

(2) outside earned income shall be determined without regard to community property law.

(e) In this rule the term "charitable organization" means an organization described in section 170(c) of the Internal Revenue Code of 1986.

Gifts

5. (a)(1)(A)(i) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not knowingly accept a gift except as provided in this clause.

(ii) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not knowingly accept a gift from a registered lobbyist or agent of a foreign principal or from a private entity that retains or employs registered lobbyists or agents of a foreign principal except as provided in subparagraph (3) of this paragraph.

(B)(i) A Member, Delegate, Resident Commissioner, officer, or employee of the House may accept a gift (other than cash or cash equivalent) not prohibited by subdivision (A)(ii) that the Member, Delegate, Resident Commissioner, officer, or employee reasonably and in good faith believes to have a value of less than \$50 and a cumulative value from one source during a calendar year of less than \$100. A gift having a value of less than \$10 does not count toward the \$100 annual limit. The value of perishable food sent to an office shall be allocated among the individual recipients and not to the Member, Delegate, or Resident Commissioner. Formal recordkeeping is not required by this subdivision, but a Member, Delegate, Resident Commissioner, officer, or employee of the House shall make a good faith effort to comply with this subdivision.

(ii) A gift of a ticket to a sporting or entertainment event shall be valued at the face value of the ticket or, in the case of a ticket without a face value, at the highest cost of a ticket with a face value for the event. The price printed on a ticket to an event shall be deemed its face value only if it also is the price at which the issuer offers that ticket for sale to the public.

(2)(A) In this clause the term "gift" means a gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. The term includes gifts of services, training, transportation, lodging, and meals, whether provided in kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

(B)(i) A gift to a family member of a Member, Delegate, Resident Commissioner, officer, or employee of the House, or a gift to any other individual based on that individual's relationship with the Member, Delegate, Resident Commissioner, officer, or employee, shall be considered a gift to the Member, Delegate, Resident Commissioner, officer, or employee if it is given with the knowledge and acquiescence of the Member, Delegate, Resident Commissioner, officer, or employee and the Member, Delegate, Resident Commissioner, officer, or employee has reason to believe the gift was given because of his official position.

(ii) If food or refreshment is provided at the same time and place to both a Member, Delegate, Resident Commissioner, officer, or employee of the House and the spouse or dependent thereof, only the food or refreshment provided to the Member, Delegate, Resident Commissioner, officer, or em-

ployee shall be treated as a gift for purposes of this clause.

(3) The restrictions in subparagraph (1) do not apply to the following:

(A) Anything for which the Member, Delegate, Resident Commissioner, officer, or employee of the House pays the market value, or does not use and promptly returns to the donor.

(B) A contribution, as defined in section 301(8) of the Federal Election Campaign Act of 1971 (2 U.S.C. 431) that is lawfully made under that Act, a lawful contribution for election to a State or local government office, or attendance at a fundraising event sponsored by a political organization described in section 527(e) of the Internal Revenue Code of 1986.

(C) A gift from a relative as described in section 109(16) of title I of the Ethics in Government Act of 1978 (5 U.S.C. App. 109(16)).

(D)(i) Anything provided by an individual on the basis of a personal friendship unless the Member, Delegate, Resident Commissioner, officer, or employee of the House has reason to believe that, under the circumstances, the gift was provided because of his official position and not because of the personal friendship.

(ii) In determining whether a gift is provided on the basis of personal friendship, the Member, Delegate, Resident Commissioner, officer, or employee of the House shall consider the circumstances under which the gift was offered, such as:

(I) The history of his relationship with the individual giving the gift including any previous exchange of gifts between them.

(II) Whether to his actual knowledge the individual who gave the gift personally paid for the gift or sought a tax deduction or business reimbursement for the gift.

(III) Whether to his actual knowledge the individual who gave the gift also gave the same or similar gifts to other Members, Delegates, Resident Commissioners, officers, or employees of the House.

(E) Except as provided in paragraph (e)(3), a contribution or other payment to a legal expense fund established for the benefit of a Member, Delegate, Resident Commissioner, officer, or employee of the House that is otherwise lawfully made in accordance with the restrictions and disclosure requirements of the Committee on Standards of Official Conduct.

(F) A gift from another Member, Delegate, Resident Commissioner, officer, or employee of the House or Senate.

(G) Food, refreshments, lodging, transportation, and other benefits—

(i) resulting from the outside business or employment activities of the Member, Delegate, Resident Commissioner, officer, or employee of the House (or other outside activities that are not connected to his duties as an officeholder), or

his spouse, if such benefits have not been offered or enhanced because of his official position and are customarily provided to others in similar circumstances;

(ii) customarily provided by a prospective employer in connection with bona fide employment discussions; or

(iii) provided by a political organization described in section 527(e) of the Internal Revenue Code of 1986 in connection with a fund-raising or campaign event sponsored by such organization.

(H) Pension and other benefits resulting from continued participation in an employee welfare and benefits plan maintained by a former employer.

(I) Informational materials that are sent to the office of the Member, Delegate, Resident Commissioner, officer, or employee of the House in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication.

(J) Awards or prizes that are given to competitors in contests or events open to the public, including random drawings.

(K) Honorary degrees (and associated travel, food, refreshments, and entertainment) and other bona fide, nonmonetary awards presented in recognition of public service (and associated food, refreshments, and entertainment provided in the presentation of such degrees and awards).

(L) Training (including food and refreshments furnished to all attendees as an integral part of the training) if such training is in the interest of the House.

(M) Bequests, inheritances, and other transfers at death.

(N) An item, the receipt of which is authorized by the Foreign Gifts and Decorations Act, the Mutual Educational and Cultural Exchange Act, or any other statute.

(O) Anything that is paid for by the Federal Government, by a State or local government, or secured by the Government under a Government contract.

(P) A gift of personal hospitality (as defined in section 109(14) of the Ethics in Government Act) of an individual other than a registered lobbyist or agent of a foreign principal.

(Q) Free attendance at a widely attended event permitted under subparagraph (4).

(R) Opportunities and benefits that are—

(i) available to the public or to a class consisting of all Federal employees, whether or not restricted on the basis of geographic consideration;

(ii) offered to members of a group or class in which membership is unrelated to congressional employment;

(iii) offered to members of an organization, such as an employees'

association or congressional credit union, in which membership is related to congressional employment and similar opportunities are available to large segments of the public through organizations of similar size;

(iv) offered to a group or class that is not defined in a manner that specifically discriminates among Government employees on the basis of branch of Government or type of responsibility, or on a basis that favors those of higher rank or rate of pay;

(v) in the form of loans from banks and other financial institutions on terms generally available to the public; or

(vi) in the form of reduced membership or other fees for participation in organization activities offered to all Government employees by professional organizations if the only restrictions on membership relate to professional qualifications.

(S) A plaque, trophy, or other item that is substantially commemorative in nature and that is intended for presentation.

(T) Anything for which, in an unusual case, a waiver is granted by the Committee on Standards of Official Conduct.

(U) Food or refreshments of a nominal value offered other than as a part of a meal.

(V) Donations of products from the district or State that the Member, Delegate, or Resident Commissioner represents that are intended primarily for promotional purposes, such as display or free distribution, and are of minimal value to any single recipient.

(W) An item of nominal value such as a greeting card, baseball cap, or a T-shirt.

(4)(A) A Member, Delegate, Resident Commissioner, officer, or employee of the House may accept an offer of free attendance at a widely attended convention, conference, symposium, forum, panel discussion, dinner, viewing, reception, or similar event, provided by the sponsor of the event, if—

(i) the Member, Delegate, Resident Commissioner, officer, or employee of the House participates in the event as a speaker or a panel participant, by presenting information related to Congress or matters before Congress, or by performing a ceremonial function appropriate to his official position; or

(ii) attendance at the event is appropriate to the performance of the official duties or representative function of the Member, Delegate, Resident Commissioner, officer, or employee of the House.

(B) A Member, Delegate, Resident Commissioner, officer, or employee of the House who attends an event described in subdivision (A) may accept a sponsor's unsolicited offer of free at-

tendance at the event for an accompanying individual.

(C) A Member, Delegate, Resident Commissioner, officer, or employee of the House, or the spouse or dependent thereof, may accept a sponsor's unsolicited offer of free attendance at a charity event, except that reimbursement for transportation and lodging may not be accepted in connection with the event unless—

(i) all of the net proceeds of the event are for the benefit of an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code;

(ii) reimbursement for the transportation and lodging in connection with the event is paid by such organization; and

(iii) the offer of free attendance at the event is made by such organization.

(D) In this paragraph the term "free attendance" may include waiver of all or part of a conference or other fee, the provision of local transportation, or the provision of food, refreshments, entertainment, and instructional materials furnished to all attendees as an integral part of the event. The term does not include entertainment collateral to the event, nor does it include food or refreshments taken other than in a group setting with all or substantially all other attendees.

(5) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not accept a gift the value of which exceeds \$250 on the basis of the personal friendship exception in subparagraph (3)(D) unless the Committee on Standards of Official Conduct issues a written determination that such exception applies. A determination under this subparagraph is not required for gifts given on the basis of the family relationship exception in subparagraph (3)(C).

(6) When it is not practicable to return a tangible item because it is perishable, the item may, at the discretion of the recipient, be given to an appropriate charity or destroyed.

(b)(1)(A) A reimbursement (including payment in kind) to a Member, Delegate, Resident Commissioner, officer, or employee of the House for necessary transportation, lodging, and related expenses for travel to a meeting, speaking engagement, factfinding trip, or similar event in connection with his duties as an officeholder shall be considered as a reimbursement to the House and not a gift prohibited by this clause when it is from a private source other than a registered lobbyist or agent of a foreign principal or a private entity that retains or employs registered lobbyists or agents of a foreign principal (except as provided in subdivision (C)), if the Member, Delegate, Resident Commissioner, officer, or employee—

(i) in the case of an employee, receives advance authorization, from the Member, Delegate, Resident

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Commissioner, or officer under whose direct supervision the employee works, to accept reimbursement; and

(ii) discloses the expenses reimbursed or to be reimbursed and the authorization to the Clerk within 15 days after the travel is completed.²

(B) For purposes of subdivision (A), events, the activities of which are substantially recreational in nature, are not considered to be in connection with the duties of a Member, Delegate, Resident Commissioner, officer, or employee of the House as an officeholder.

(C) A reimbursement (including payment in kind) to a Member, Delegate, Resident Commissioner, officer, or employee of the House for any purpose described in subdivision (A) also shall be considered as a reimbursement to the House and not a gift prohibited by this clause (without regard to whether the source retains or employs registered lobbyists or agents of a foreign principal) if it is, under regulations prescribed by the Committee on Standards of Official Conduct to implement this provision—

(i) directly from an institution of higher education within the meaning of section 101 of the Higher Education Act of 1965; or

(ii) provided only for attendance at or participation in a one-day event (exclusive of travel time and an overnight stay).

Regulations prescribed to implement this provision may permit a two-night stay when determined by the committee on a case-by-case basis to be practically required to participate in the one-day event.³

(2) Each advance authorization to accept reimbursement shall be signed by the Member, Delegate, Resident Commissioner, or officer of the House under whose direct supervision the employee works and shall include—

(A) the name of the employee;

(B) the name of the person who will make the reimbursement;

(C) the time, place, and purpose of the travel; and

(D) a determination that the travel is in connection with the duties of the employee as an officeholder and would not create the appearance that

the employee is using public office for private gain.

(3) Each disclosure made under subparagraph (1)(A) shall be signed by the Member, Delegate, Resident Commissioner, or officer (in the case of travel by that Member, Delegate, Resident Commissioner, or officer) or by the Member, Delegate, Resident Commissioner, or officer under whose direct supervision the employee works (in the case of travel by an employee) and shall include—

(A) a good faith estimate of total transportation expenses reimbursed or to be reimbursed;

(B) a good faith estimate of total lodging expenses reimbursed or to be reimbursed;

(C) a good faith estimate of total meal expenses reimbursed or to be reimbursed;

(D) a good faith estimate of the total of other expenses reimbursed or to be reimbursed;

(E) a determination that all such expenses are necessary transportation, lodging, and related expenses as defined in subparagraph (4);

(F) a description of meetings and events attended; and

(G) in the case of a reimbursement to a Member, Delegate, Resident Commissioner, or officer, a determination that the travel was in connection with his duties as an officeholder and would not create the appearance that the Member, Delegate, Resident Commissioner, or officer is using public office for private gain.

(4) In this paragraph the term "necessary transportation, lodging, and related expenses"—

(A) includes reasonable expenses that are necessary for travel for a period not exceeding four days within the United States or seven days exclusive of travel time outside of the United States unless approved in advance by the Committee on Standards of Official Conduct;

(B) is limited to reasonable expenditures for transportation, lodging, conference fees and materials, and food and refreshments, including reimbursement for necessary transportation, whether or not such transportation occurs within the periods described in subdivision (A);

(C) does not include expenditures for recreational activities, nor does it include entertainment other than that provided to all attendees as an integral part of the event, except for activities or entertainment otherwise permissible under this clause; and

(D) may include travel expenses incurred on behalf of a relative of the Member, Delegate, Resident Commissioner, officer, or employee.

(5) The Clerk of the House shall make all advance authorizations, certifications, and disclosures filed pursuant to this paragraph available for public

inspection as soon as possible after they are received.⁴

(c)(1)(A) Except as provided in subdivision (B), a Member, Delegate, Resident Commissioner, officer, or employee of the House may not accept a reimbursement (including payment in kind) for transportation, lodging, or related expenses for a trip on which the traveler is accompanied on any segment by a registered lobbyist or agent of a foreign principal.

(B) Subdivision (A) does not apply to a trip for which the source of reimbursement is an institution of higher education within the meaning of section 101 of the Higher Education Act of 1965.

(2) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not accept a reimbursement (including payment in kind) for transportation, lodging, or related expenses under the exception in paragraph (b)(1)(C)(ii) of this clause for a trip that is financed in whole or in part by a private entity that retains or employs registered lobbyists or agents of a foreign principal unless any involvement of a registered lobbyist or agent of a foreign principal in the planning, organization, request, or arrangement of the trip is de minimis under rules prescribed by the Committee on Standards of Official Conduct to implement paragraph (b)(1)(C) of this clause.

(3) A Member, Delegate, Resident Commissioner, officer, or employee of the House may not accept a reimbursement (including payment in kind) for transportation, lodging, or related expenses for a trip (other than a trip permitted under paragraph (b)(1)(C) of this clause) if such trip is in any part planned, organized, requested, or arranged by a registered lobbyist or agent of a foreign principal.⁵

(d) A Member, Delegate, Resident Commissioner, officer, or employee of the House shall, before accepting travel otherwise permissible under paragraph (b)(1) of this clause from any private source—

(1) provide to the Committee on Standards of Official Conduct before such trip a written certification signed by the source or (in the case of a corporate person) by an officer of the source—

(A) that the trip will not be financed in any part by a registered lobbyist or agent of a foreign principal;

(B) that the source either—

(i) does not retain or employ registered lobbyists or agents of a foreign principal; or

(ii) is an institution of higher education within the meaning of

²Prior to amendments effective March 1, 2007, clause 5(b)(1) of rule XXV read as follows:

"(b)(1)(A) A reimbursement (including payment in kind) to a Member, Delegate, Resident Commissioner, officer, or employee of the House from a private source other than a registered lobbyist or agent of a foreign principal for necessary transportation, lodging, and related expenses for travel to a meeting, speaking engagement, factfinding trip, or similar event in connection with his duties as an officeholder shall be considered as a reimbursement to the House and not a gift prohibited by this clause, if the Member, Delegate, Resident Commissioner, officer, or employee—

(i) in the case of an employee, receives advance authorization, from the Member, Delegate, Resident Commissioner, or officer under whose direct supervision the employee works, to accept reimbursement; and

(ii) discloses the expenses reimbursed or to be reimbursed and the authorization to the Clerk within 30 days after the travel is completed."

³The effective date of subdivision (C) is March 1, 2007.

⁴Prior to amendments effective March 1, 2007, clause 5(b)(5) of rule XXV read as follows:

"(5) The Clerk shall make available to the public all advance authorizations and disclosures of reimbursement filed under subparagraph (1) as soon as possible after they are received."

⁵The effective date of paragraph (c) is March 1, 2007.

section 101 of the Higher Education Act of 1965; or

(iii) certifies that the trip meets the requirements specified in rules prescribed by the Committee on Standards of Official Conduct to implement paragraph (b)(1)(C)(ii) of this clause and specifically details the extent of any involvement of a registered lobbyist or agent of a foreign principal in the planning, organization, request, or arrangement of the trip considered to qualify as *de minimis* under such rules;

(C) that the source will not accept from another source any funds earmarked directly or indirectly for the purpose of financing any aspect of the trip;

(D) that the traveler will not be accompanied on any segment of the trip by a registered lobbyist or agent of a foreign principal (except in the case of a trip for which the source of reimbursement is an institution of higher education within the meaning of section 101 of the Higher Education Act of 1965); and

(E) that (except as permitted in paragraph (b)(1)(C) of this clause) the trip will not in any part be planned, organized, requested, or arranged by a registered lobbyist or agent of a foreign principal; and

(2) after the Committee on Standards of Official Conduct has promulgated the regulations mandated in paragraph (i)(1)(B) of this clause, obtain the prior approval of the committee for such trip.⁶

(e) A gift prohibited by paragraph (a)(1) includes the following:

(1) Anything provided by a registered lobbyist or an agent of a foreign principal to an entity that is maintained or controlled by a Member, Delegate, Resident Commissioner, officer, or employee of the House.

(2) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a registered lobbyist or an agent of a foreign principal on the basis of a designation, recommendation, or other specification of a Member, Delegate, Resident Commissioner, officer, or employee of the House (not including a mass mailing or other solicitation directed to a broad category of persons or entities), other than a charitable contribution permitted by paragraph (f).

(3) A contribution or other payment by a registered lobbyist or an agent of a foreign principal to a legal expense fund established for the benefit of a Member, Delegate, Resident Commissioner, officer, or employee of the House.

(4) A financial contribution or expenditure made by a registered lobbyist or an agent of a foreign principal relating to a conference, re-

teat, or similar event, sponsored by or affiliated with an official congressional organization, for or on behalf of Members, Delegates, the Resident Commissioner, officers, or employees of the House.

(f)(1) A charitable contribution (as defined in section 170(c) of the Internal Revenue Code of 1986) made by a registered lobbyist or an agent of a foreign principal in lieu of an honorarium to a Member, Delegate, Resident Commissioner, officer, or employee of the House is not considered a gift under this clause if it is reported as provided in subparagraph (2).

(2) A Member, Delegate, Resident Commissioner, officer, or employee who designates or recommends a contribution to a charitable organization in lieu of an honorarium described in subparagraph (1) shall report within 30 days after such designation or recommendation to the Clerk—

(A) the name and address of the registered lobbyist who is making the contribution in lieu of an honorarium;

(B) the date and amount of the contribution; and

(C) the name and address of the charitable organization designated or recommended by the Member, Delegate, or Resident Commissioner.

The Clerk shall make public information received under this subparagraph as soon as possible after it is received.

(g) In this clause—

(1) the term "registered lobbyist" means a lobbyist registered under the Federal Regulation of Lobbying Act or any successor statute;

(2) the term "agent of a foreign principal" means an agent of a foreign principal registered under the Foreign Agents Registration Act; and

(3) the terms "officer" and "employee" have the same meanings as in rule XXIII.

(h) All the provisions of this clause shall be interpreted and enforced solely by the Committee on Standards of Official Conduct. The Committee on Standards of Official Conduct is authorized to issue guidance on any matter contained in this clause.

(i)(1) Not later than 45 days after the date of adoption of this paragraph and at annual intervals thereafter, the Committee on Standards of Official Conduct shall develop and revise, as necessary—

(A) guidelines on judging the reasonableness of an expense or expenditure for purposes of this clause, including the factors that tend to establish—

(i) a connection between a trip and official duties;

(ii) the reasonableness of an amount spent by a sponsor;

(iii) a relationship between an event and an officially connected purpose; and

(iv) a direct and immediate relationship between a source of funding and an event; and

(B) regulations describing the information it will require individuals subject to this clause to submit to the committee in order to obtain the prior approval of the committee for any travel covered by this clause, including any required certifications.

(2) In developing and revising guidelines under paragraph (1)(A), the committee shall take into account the maximum per diem rates for official Government travel published annually by the General Services Administration, the Department of State, and the Department of Defense.

Claims against the Government

6. A person may not be an officer or employee of the House, or continue in its employment, if he acts as an agent for the prosecution of a claim against the Government or if he is interested in such claim, except as an original claimant or in the proper discharge of official duties.

RULE XXVI

FINANCIAL DISCLOSURE

1. The Clerk shall send a copy of each report filed with the Clerk under title I of the Ethics in Government Act of 1978 within the seven-day period beginning on the date on which the report is filed to the Committee on Standards of Official Conduct. By August 1 of each year, the Clerk shall compile all such reports sent to him by Members within the period beginning on January 1 and ending on June 15 of each year and have them printed as a House document, which shall be made available to the public.

2. For the purposes of this rule, the provisions of title I of the Ethics in Government Act of 1978 shall be considered Rules of the House as they pertain to Members, Delegates, the Resident Commissioner, officers, and employee of the House.

⁶The effective date of paragraph (d) is March 1, 2007.

CODE OF ETHICS FOR GOVERNMENT SERVICE

Resolved by the House of Representatives {the Senate concurring}, That it is the sense of the Congress that the following Code of Ethics should be adhered to by all Government employees, including officeholders:

CODE OF ETHICS FOR GOVERNMENT SERVICE

Any person in Government service should:

1. Put loyalty to the highest moral principals and to country above loyalty to Government persons, party, or department.
2. Uphold the Constitution, laws, and legal regulations of the United States and of all governments therein and never be a party to their evasion.
3. Give a full day's labor for a full day's pay; giving to the performance of his duties his earnest effort and best thought.
4. Seek to find and employ more efficient and economical ways of getting tasks accomplished.
5. Never discriminate unfairly by the dispensing of special favors or privileges to anyone, whether for remuneration or not; and never accept for himself or his family, favors or benefits under circumstances which might be construed by reasonable persons as influencing the performance of his governmental duties.
6. Make no private promises of any kind binding upon the duties of office, since a Government employee has no private word which can be binding on public duty.
7. Engage in no business with the Government, either directly or indirectly which is inconsistent with the conscientious performance of his governmental duties.
8. Never use any information coming to him confidentially in the performance of governmental duties as a means for making private profit.
9. Expose corruption wherever discovered.
10. Uphold these principles, ever conscious that public office is a public trust.

(Passed July 11, 1958)

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TITLE 5--GOVERNMENT ORGANIZATION AND EMPLOYEES

PART III--EMPLOYEES

Subpart F--Labor-Management and Employee Relations

CHAPTER 73--SUITABILITY, SECURITY, AND CONDUCT

SUBCHAPTER V--MISCONDUCT

Sec. 7353. Gifts to Federal employees

(a) Except as permitted by subsection (b), no Member of Congress or officer or employee of the executive, legislative, or judicial branch shall solicit or accept anything of value from a person--

(1) seeking official action from, doing business with, or (in the case of executive branch officers and employees) conducting activities regulated by, the individual's employing entity; or

(2) whose interests may be substantially affected by the performance or nonperformance of the individual's official duties.

(b) (1) Each supervising ethics office is authorized to issue rules or regulations implementing the provisions of this section and providing for such reasonable exceptions as may be appropriate.

(2) (A) Subject to subparagraph (B), a Member, officer, or employee may accept a gift pursuant to rules or regulations established by such individual's supervising ethics office pursuant to paragraph (1).

(B) No gift may be accepted pursuant to subparagraph (A) in return for being influenced in the performance of any official act.

(3) Nothing in this section precludes a Member, officer, or employee from accepting gifts on behalf of the United States Government or any of its agencies in accordance with statutory authority.

(4) Nothing in this section precludes an employee of a private sector organization, while assigned to an agency under chapter 37, from continuing to receive pay and benefits from such organization in accordance with such chapter.

(c) A Member of Congress or an officer or employee who violates this section shall be subject to appropriate disciplinary and other remedial action in accordance with any applicable laws, Executive orders, and rules or regulations.

(d) For purposes of this section--

(1) the term "supervising ethics office" means--

(A) the Committee on Standards of Official Conduct of the House of Representatives or the House of Representatives as a whole, for Members, officers, and employees of the House of Representatives;

(B) the Select Committee on Ethics of the Senate, or the Senate as a whole, for Senators, officers, and employees of the Senate;

(C) the Judicial Conference of the United States for judges and judicial branch officers and employees;

(D) the Office of Government Ethics for all executive branch

officers and employees; and

(E) in the case of legislative branch officers and employees other than those specified in subparagraphs (A) and (B), the committee referred to in either such subparagraph to which reports filed by such officers and employees under title I of the Ethics in Government Act of 1978 are transmitted under such title, except that the authority of this section may be delegated by such committee with respect to such officers and employees; and

(2) the term ``officer or employee'' means an individual holding an appointive or elective position in the executive, legislative, or judicial branch of Government, other than a Member of Congress.

(Added Pub. L. 101-194, title III, Sec. 303(a), Nov. 30, 1989, 103 Stat. 1746; amended Pub. L. 101-280, Sec. 4(d), May 4, 1990, 104 Stat. 158; Pub. L. 107-347, title II, Sec. 209(g)(1)(C), Dec. 17, 2002, 116 Stat. 2932.)

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[CITE: 18USC201]

TITLE 18--CRIMES AND CRIMINAL PROCEDURE

PART I--CRIMES

CHAPTER 11--BRIBERY, GRAFT, AND CONFLICTS OF INTEREST

Sec. 201. Bribery of public officials and witnesses

(a) For the purpose of this section--

(1) the term ``public official'' means Member of Congress, Delegate, or Resident Commissioner, either before or after such official has qualified, or an officer or employee or person acting for or on behalf of the United States, or any department, agency or branch of Government thereof, including the District of Columbia, in any official function, under or by authority of any such department, agency, or branch of Government, or a juror;

(2) the term ``person who has been selected to be a public official'' means any person who has been nominated or appointed to be a public official, or has been officially informed that such person will be so nominated or appointed; and

(3) the term ``official act'' means any decision or action on any question, matter, cause, suit, proceeding or controversy, which may at any time be pending, or which may by law be brought before any public official, in such official's official capacity, or in such official's place of trust or profit.

(b) Whoever--

(1) directly or indirectly, corruptly gives, offers or promises anything of value to any public official or person who has been selected to be a public official, or offers or promises any public official or any person who has been selected to be a public official to give anything of value to any other person or entity, with intent--

(A) to influence any official act; or

(B) to influence such public official or person who has been selected to be a public official to commit or aid in committing, or collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States; or

(C) to induce such public official or such person who has been selected to be a public official to do or omit to do any act in violation of the lawful duty of such official or person;

(2) being a public official or person selected to be a public official, directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity, in return for:

(A) being influenced in the performance of any official act;

(B) being influenced to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States; or

(C) being induced to do or omit to do any act in violation of the official duty of such official or person;

(3) directly or indirectly, corruptly gives, offers, or promises anything of value to any person, or offers or promises such person to give anything of value to any other person or entity, with intent to influence the testimony under oath or affirmation of such first-mentioned person as a witness upon a trial, hearing, or other proceeding, before any court, any committee of either House or both Houses of Congress, or any agency, commission, or officer authorized by the laws of the United States to hear evidence or take testimony, or with intent to influence such person to absent himself therefrom;

(4) directly or indirectly, corruptly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally or for any other person or entity in return for being influenced in testimony under oath or affirmation as a witness upon any such trial, hearing, or other proceeding, or in return for absenting himself therefrom;

shall be fined under this title or not more than three times the monetary equivalent of the thing of value, whichever is greater, or imprisoned for not more than fifteen years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.

(c) Whoever--

(1) otherwise than as provided by law for the proper discharge of official duty--

(A) directly or indirectly gives, offers, or promises anything of value to any public official, former public official, or person selected to be a public official, for or because of any official act performed or to be performed by such public official, former public official, or person selected to be a public official; or

(B) being a public official, former public official, or person selected to be a public official, otherwise than as provided by law for the proper discharge of official duty, directly or indirectly demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally for or because of any official act performed or to be performed by such official or person;

(2) directly or indirectly, gives, offers, or promises anything of value to any person, for or because of the testimony under oath or affirmation given or to be given by such person as a witness upon a trial, hearing, or other proceeding, before any court, any committee of either House or both Houses of Congress, or any agency, commission, or officer authorized by the laws of the United States to hear evidence or take testimony, or for or because of such person's absence therefrom;

(3) directly or indirectly, demands, seeks, receives, accepts, or agrees to receive or accept anything of value personally for or because of the testimony under oath or affirmation given or to be given by such person as a witness upon any such trial, hearing, or other proceeding, or for or because of such person's absence therefrom;

shall be fined under this title or imprisoned for not more than two years, or both.

(d) Paragraphs (3) and (4) of subsection (b) and paragraphs (2) and (3) of subsection (c) shall not be construed to prohibit the payment or receipt of witness fees provided by law, or the payment, by the party upon whose behalf a witness is called and receipt by a witness, of the

reasonable cost of travel and subsistence incurred and the reasonable value of time lost in attendance at any such trial, hearing, or proceeding, or in the case of expert witnesses, a reasonable fee for time spent in the preparation of such opinion, and in appearing and testifying.

(e) The offenses and penalties prescribed in this section are separate from and in addition to those prescribed in sections 1503, 1504, and 1505 of this title.